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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,176	11/26/2003	Pere Baleta	712001.1010	5760
24504	7590	06/06/2005		EXAMINER
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			LE, TOAN M	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/723,176	BALETA ET AL.
	Examiner Toan M. Le	Art Unit 2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 and 9-18 is/are rejected.
- 7) Claim(s) 8 and 19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 November 2003 and 23 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/28/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 20 has been renumbered 19.

Claims 1, 6-7, 9, and 16 are objected to because of the following informalities:

Claim 1, line 1, “telecomm” should read -telecommunication-.

Claim 6, line 4, “an” should read -a-.

Claim 7, line 2, “supply,” should read -supply; -.

Claims 9 and 16, line 2, “comprising,” should read -comprising:-.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-7 and 9-18 are rejected under 35 U.S.C. 102(a) as being anticipated by “STT Next-Generation Optical Network Test Solution”, Sunrise Telecom (referred hereafter Sunrise Telecom).

Referring to claim 1, Sunrise Telecom discloses a telecommunication test unit for evaluating the performance of a data link (figure on page 3), the test unit comprising:

- a rear module (figure on page 7);
- a front module for controlling the test unit and processing performance information (page 4, 1<sup>st</sup> paragraph; page 5, 1<sup>st</sup> paragraph and the figure); and
- an application module electrically connected and mechanically secured between the rear module and the front module, wherein the application module is coupled to the data link for providing performance information (page 4, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs; figures on pages 5 and 7).

As to claim 2, Sunrise Telecom discloses a telecommunication test unit for evaluating the performance of a data link (figure on page 3), wherein one or more additional application modules is placed between the front module and the rear module (page 4, 1<sup>st</sup> paragraph; page 6, 1<sup>st</sup> paragraph; figure on page 5).

Referring to claim 3, Sunrise Telecom discloses a telecommunication test unit for evaluating the performance of a data link (figure on page 3), wherein the front module has one or more ports for coupling to an external user interface (figures on pages 5 and 7).

As to claim 4, Sunrise Telecom discloses a telecommunication test unit for evaluating the performance of a data link (figure on page 3), wherein the external user interface is a personal computer (page 10, UI and Control Software section).

Referring to claim 5, Sunrise Telecom discloses a telecommunication test unit for evaluating the performance of a data link (figure on page 3), wherein the front module has a user interface (page 6, 3<sup>rd</sup> paragraph; figure on page 7).

As to claim 6, Sunrise Telecom discloses a method for providing a test unit to obtain performance information of a data communication link, the method comprising the steps of:

- providing a back module with a power source (figure on page 7);
- providing a front module for controlling the test unit and receiving performance information (page 4, 1<sup>st</sup> paragraph; page 5, 1<sup>st</sup> paragraph and the figure);
- selecting an application module adapted for monitoring the performance of one or more data links (page 4, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs; figures on pages 5 and 7); and
- stacking the front module, application module, and back module in sequence and electrically connecting and mechanically securing the modules together so that the stacked modules form the test unit (figures on pages 5 and 7) .

Referring to claim 7, Sunrise Telecom discloses a system for providing a multifunction test unit (figure on page 3), the system comprising:

- a back module having a power supply (figure on page 7);
- a front module having control logic for controlling the system and processing performance information (page 4, 1<sup>st</sup> paragraph; page 5, 1<sup>st</sup> paragraph and the figure); and
- two or more application modules secured between the back module and the front module wherein each of the application modules is adapted to provide performance information about different types of communication links, wherein each application module furnishes performance information to the front module (page 4, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs; figures on pages 5 and 7).

As to claim 9, Sunrise Telecom discloses a method of stacking and latching electronic modules to provide a test apparatus the method comprising:

- positioning a front module to receive an application module (figure on page 7);

placing a first application module on the front module and electronically coupling the first application module to the front module and then latching the application module to the front module (page 4, 1<sup>st</sup> paragraph; page 5, 1<sup>st</sup> paragraph and the figure);

stacking and latching one or more additional application modules to the first application module, thereby increasing the functionality of the test apparatus (figures on pages 5 and 7); and securing a back module to the last application module of the stacking step (figures on pages 5 and 7).

Referring to claim 10, Sunrise Telecom discloses a method of stacking and latching electronic modules to provide a test apparatus, wherein a bus structure between the front module and the back module is connected to each of the application modules (figures on pages 5 and 7).

As to claim 11, Sunrise Telecom discloses a method of stacking and latching electronic modules to provide a test apparatus, wherein the bus structure comprises a protocol bus and a processor bus (page 4, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs; figure on page 7).

Referring to claim 12, Sunrise Telecom discloses a method of stacking and latching electronic modules to provide a test apparatus, wherein the rear module has a rear battery pack (figure on page 7).

As to claim 13, Sunrise Telecom discloses a method of stacking and latching electronic modules to provide a test apparatus, wherein the front module has multiple connectivity ports (Spec. on page 10).

Referring to claim 14, Sunrise Telecom discloses a method of stacking and latching electronic modules to provide a test apparatus, wherein the front module has a display panel (figure on page 7).

As to claim 15, Sunrise Telecom discloses a method of stacking and latching electronic modules to provide a test apparatus, wherein the display panel is a touch screen (figures on page 7).

Referring to claim 16, Sunrise Telecom discloses an application module that fits between a front module and a rear module (figure on page 3), the application module comprising:

- an interface circuit for coupling to a data communication link and receiving data from the data communication link (“Integrated 10/100 Mbps test port” on figure on page 7);

- a link processing circuit to convert the received data for transfer to the front module over a test unit bus (figure on page 7); and

- connectors on both sides of the application module to provide bus conductivity between the front and the rear module (figures on pages 5 and 7).

As to claim 17, Sunrise Telecom discloses a telecommunication test unit for evaluating the performance of a data link (figure on page 3), the test unit comprising:

- a first module having control logic (page 5, 1<sup>st</sup> paragraph and figure); and

- a plurality of removable application modules stacked on and communicatively coupled to the first module, each of the application modules configured to perform different types of test on at least one data link,

- wherein the control logic is configured to receive diagnostic information from each of the application modules and to provide an output indicative of the diagnostic information (page 4, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs; figures on pages 5 and 7).

Referring to claim 18, Sunrise Telecom discloses a telecommunication test unit for evaluating the performance of a data link (figure on page 3), further comprising a segmented bus

passing through each of the application modules, wherein each of the application modules is configured to communicate with the control logic over the segmented bus (figures on pages 5 and 7).

Claims 8 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reason for allowance of the claims 8 and 19 is the inclusion of support arm and adjustment arm and rod coupled to different slotted retainers so that provides a multiple viewing angles of the test unit.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan M. Le whose telephone number is (571) 272-2276. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2863

Toan Le

May 27, 2005

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800